

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES R. BARTA, A&A DRUG, INC.)	
and SAV-RX, LLC,)	
)	
Plaintiffs,)	8:05CV35
)	
vs.)	ORDER
)	
CANARX SERVICES, INC.,)	
)	
Defendant.)	

This matter is before the court on the motion of D.C. Bradford, Justin D. Eichmann and the law firm of Bradford & Coenen for leave to withdraw as counsel for CanaRx Services, Inc. ("CanaRx") [39].

The movants have shown good cause for withdrawing as counsel for CanaRx and have complied with the service requirements set out in my Order filed on September 18, 2006 (see Filings 41 & 42). Thus, CanaRx has been advised that it would be held in default unless substitute counsel entered a written appearance on or before October 25, 2006. The court has not received a response in opposition to the motion to withdraw and substitute counsel has not timely entered an appearance on behalf of CanaRx.

"The law does not allow a corporation to proceed pro se." *Ackra Direct Mktg. Corp. v. Fingerhut Corp.*, 86 F.3d 852, 857 (8th Cir. 1996). Under Fed. R. Civ. P. 55(a), the court may hold a party in default for failure to defend the action. Under *Ackra Direct*, 86 F.3d at 857, a corporation is technically in default as of the date its counsel is permitted to withdraw from the case without substitute counsel appearing.

IT IS ORDERED:

1. The Motion to Withdraw [39] is granted. D.C. Bradford, Justin D. Eichmann and the law firm of Bradford & Coenen are given leave to withdraw as counsel for CanaRx Services, Inc.
2. Pursuant to Fed. R. Civ. P. 37(b)(2)(C) and 55(a), the Answer filed by CanaRx Services, Inc. [13] is hereby stricken, and the Clerk shall enter default as to defendant, CanaRx Services, Inc.
3. Plaintiffs are given until and including **November 27, 2006** to file a motion for default judgment against CanaRx Services, Inc. or, in the alternative, file all documents necessary to terminate this action.

DATED October 26, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**